

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3352 Revised

DATE: February 12, 2002

PROPOSAL: To add Section 27.70.060 to the Lincoln Municipal Code (LMC) to allow the storage of vehicles for sale in the front yard of the H-2, H-3, and I-2 zoning districts with conditions.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

APPLICANT: Jan Merritt, Executive Director
Nebraska Independent Auto Dealers Association
5701 Russell Drive
Lincoln, NE 68507

CONTACT: Bill Austin, Esq.
301 South 13th Street Suite 400
Lincoln, NE 68508

PROPOSED TEXT CHANGES: Attached.

HISTORY: This application was previously considered by the Planning Commission during the January 23, 2002 meeting. The applicant submitted revisions at that meeting, and the Planning Commission recommended denial of this request after a public hearing.

SP#1929 - An application for a special permit was submitted by Red Star Auto to park and display vehicles in the front yard at 702 West O Street. The application received recommendations for denial from the Planning Department and Planning Commission. The permit was approved by the City Council on October 22, 2001, but was subsequently vetoed by the Mayor on October 29, 2001.

CZ#3350 - In response to issues raised by SP#1929, the City Council directed City Staff to develop alternate revisions to the Zoning Ordinance to allow auto sales and display in the front yard without a special permit, but that included conditions that would provide land use compatibility. This text amendment is being forwarded to the Planning Commission for public hearing scheduled for 2/20/02.

ANALYSIS:

1. This text amendment includes the revisions submitted by the applicant at the January 23, 2002 Planning Commission hearing. Upon introduction and first reading by City

Council on February 4, 2002, it was referred back to the Planning Commission so the public notice could be properly advertised to reflect the revisions previously submitted by the applicant.

2. As originally submitted, this request proposed to amend the Zoning Ordinance by adding Section 27.70.060 to allow the storage of vehicles for sale or resale in the B-3, H-2, H-3 and I-2 zoning districts on any portion of a required yard where parking is otherwise permitted, under certain conditions. Generally, those conditions were that: vehicles cannot be upon a raised structure; the hood or trunk will not be open; and the landscaping must be installed in accordance with the parking lot design standards. The amendment introduced at the January 23, 2002 public hearing deleted reference to the B-3 district, repealed the special permit process for storage/display of vehicles for sale where parking is permitted, and added a provision that the storage of vehicles shall not be permitted within five feet of the front lot line.
3. It was noted in the previous staff review of this application, standards are being developed for both public way corridors and entry way corridors. That report noted that any revisions to LMC that affect setbacks, landscaping and design standards along major roadways should be reviewed in the broader context of the standards currently being developed. When comparing this text amendment, even in its revised form, to what is known about the corridor standards being developed, it does not provide adequate landscaping provisions. The draft public-way corridor standards currently reference a landscaping minimum in excess of what is provided by this amendment, and it is possible that the entry-way corridor standards will be even greater when they are developed. Even considering the revisions included in the proposed text amendment, it is not consistent with the work done thus far on entry-way and public-way corridors and may create future conflicts if approved.

Prepared by:

Brian Will, AICP
Planner

Reasons for Request

Approval of new section 27.70.060 would allow for the storage of vehicles for sale in the front yard in the ~~B-3~~, H-2, H-3, and I-2 zoning districts. Currently, parking in the required front yard is permitted in the H-2 and H-3 zoning districts, but the display of vehicles for sale is not permitted. Under Section 27.63.700 of the Lincoln Municipal Code, a special permit can be obtained in the B-3, H-2, H-3, and I-2 zoning districts to allow storage of the vehicles for sale where parking is permitted.

This amendment would allow car dealers to display vehicles for sale in the required front yard in the specified districts under the typical limiting conditions attached to the special permits that have previously been granted. It eliminates the need for Planning Commission and City Council review of this limited additional use of the front yard where the conditions are met. The applicants suggest that the display of vehicles in the front yard has less probability of detracting from the appearance of these districts than typical parking.

The special permit provisions would still be available for those who request relief from the conditions or who seek modification of landscaping requirements.

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.70 of the Lincoln Municipal Code by adding a new Section numbered 27.70.060 relating to the storage of vehicles for sale or resale in a required yard in the H-2, H-3, and I-2 zoning districts under specified conditions; and repealing Sections 27.33.040(m), 27.41.040(m), 27.43.040(q), 27.49.040(j) and 27.63.700 relating to the issuance of special permits for storage of vehicles for sale where parking is permitted.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Chapter 27.70 of the Lincoln Municipal Code be amended by adding a new Section numbered 27.70.060 to read as follows:

Section 27.70.060 Storage of vehicles for sale where parking is permitted in the H-2, H-3, and I-2 zoning districts; conditions.

The storage of vehicles for sale or resale in the H-2, H-3, and I-2 zoning districts may be permitted within a required yard where parking is otherwise permitted under the following conditions:

- (a) No vehicle shall be stored for sale or resale in a required yard upon any raised structure;
- (b) Neither the hood nor the trunk lid of any vehicle stored for sale or resale in a required yard shall be open except when being inspected by a customer or when being serviced.
- (c) That portion of any front yard utilized for storage of vehicles for sale or resale shall be landscaped in accordance with the parking lot design standards.

(d) No storage of vehicles shall be permitted within five feet of the front lot line.

The provisions of this section shall be supplementary to, and in addition to, any other provisions of this code relating to storage of vehicles for sale or resale.

Section 2. That Sections 27.33.040(m), 27.41.040(m), 27.43.040(q), 27.49.040(j) and 27.63.700 of the Lincoln Municipal Code as hitherto existing, be and the same are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Zoning District	Parking in Yards Permitted?	Special Permit for Display of Vehicles in Yards?	Other Permitted Obstructions in Front Yards?	Proposed Change of Zone 3352 (new 27.70.060)
H-2	Parking in front yard permitted	Available for any portion of lot where parking is permitted.	Fences (6 foot); signage.	Would allow display of vehicles for sale in front yards to extent parking as otherwise permitted in front yard, under listed conditions.
H-3	Parking in front yard permitted	Available for any portion of lot where parking is permitted.	Fences (6 foot); signage.	Would allow display of vehicles for sale in front yard to extent parking is otherwise permitted in front yard, under listed conditions.
I-2	Parking in front yard permitted only in rear 25 feet thereof; must abut a private road ending in a cul-de-sac; is in lieu of guest parking under 27.49.080(e).	Available for any portion of lot where parking is permitted.	Fences (6 foot); signage.	Would allow display of vehicles for sale in front yard to extent parking is otherwise permitted in front yard, under listed conditions.

West O Area Business Association
700 West "O" Street
Lincoln Ne 68528

Karl Jensvold-President Martin Huff-Vice President Brian Lavelle-Treasurer
Vince Cornell-Secretary

Dear Mayor Wesley / City Council Members / Planning Department / Planning Commission / Building & Safety ,

On December 18th, 2001 the W.O.A.B.A. members met at their regularly scheduled meeting and a motion was made and seconded that the W.O.A.B.A. join the N.I.A.D.A. (Nebraska Independent Auto Dealers Association) and co-sponsor the attached proposed new ordinance, known as Section 27.70.060 relating to the storage of vehicles for sale or resale in the required front yard in the B-3, H-2, H-3, and I-2 zoning districts under specific conditions. This motion was voted on and was approved at that meeting.

Attached is a copy of the proposed ordinance for your review.

Chairperson / President W.O.A.B.A. _____

Vice President W.O.A.B.A. _____

Secretary W.O.A.B.A. _____

Treasurer W.O.A.B.A. _____



HuffJCHuff@aol.com

01/15/2002 06:56 AM

To: AMcroy@ci.lincoln.ne.us, jwalker@ci.lincoln.ne.us
cc: Rewiese@attglobal.net, deb-luebbe@truckpaper.com,
HuffJCHuff@aol.com

Subject: Change of Zone #3352

Council Woman McRoy,

My name is John Huff and I live at 505 Pier 2, Lincoln Nebraska. I wanted to address the proposed change of zone #3352 (Proposed Text Amendment to Title 27 of the Lincoln Municipal Code).

I have lived in Lincoln for more than 48 years and at my current location for the past 10. I frequently drive West O Street in both directions. Over the past few years the City and others have worked to improve the appearance of this approach to our down town. Improvements have been made by, planting trees, installing sidewalks and eliminating unsightly area's. While these efforts, are headed in the right direction, much more work must be done. Gateways or entrance corridors along major roadways into our community should be attractive and inviting, to provide visitors and residents a feeling of welcome.

I believe that this proposed amendment would be detrimental to the concept of making the West O Street corridor more attractive. Allowing the "storage of vehicles for sale" in front yard of businesses along West O Street, would simply clutter the area with parked cars. This might give anyone driving thru this corridor the feeling of being in a giant parking lot. I free this may also distract drivers, who may be window shopping for a vehicle (at 45 mph), which could lead to an increase in traffic accidents. We currently don't allow this encroachment into this area, providing good visibility for cross traffic and improved driver safety.

It is with all of this in mind that I oppose this amendment.

Sincerely,

John Huff

IN OPPOSITIONITEM NO. 3.2: CHANGE OF ZONE NO. 3352
(p.99 - Public Hearing - 1/23/02)

To: All Staff & All Planning Commissioners

Date: January 22, 2002

Re: Auto's for Sale in Front Yards on West "O"

In the late 1980's & early 1990's, the businesses on West "O" Street worked with the Department of Roads and the City of Lincoln to improve West "O" Street. At that time, they asked for a wider street, with left center turning lanes, for the entire length of that project, which was completed.

After completion, a beautification committee emerged and took donations for trees and green space in business's front yards and on the city's right-of-way. There was no money coming forward, but from a few car dealers, in fact, they didn't want trees.

I was asked to chair that committee, which I did. We raised \$4,200.00 from other businesses and worked with the city, NRD and the beautification committee to plant the trees. When the city staked out for the trees, the auto dealers again told the city they would not take care of trees and didn't want them.

After that, in about 1994, West "O" Business Association was formed and we had 1 auto dealer joins the association out of 38 members. Then, about 2 months ago, we had 26 new car dealers join in 1 meeting. It was good to have more new membership, but they made motions that West "O" Business Association resend past action to the city regarding car dealers parking cars for sale in front yards and that no sidewalks be built or maintained in the Association's area.

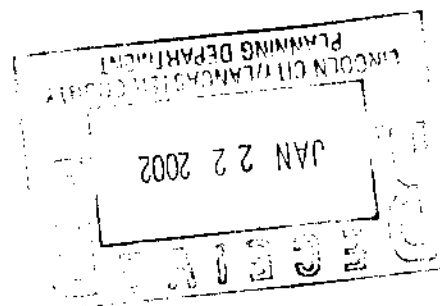
The old association for 6 years has worked with the city to enforce zoning, build sidewalks for the public, plant trees & landscape front yards, pick up litter twice a year, get new businesses in the area including the new ball field, student housing, fast foods, car washes and new office buildings in the West "O" area.

I'm not chairing the new association because I feel it's not right to go against the city.

Therefore, I'm against the new proposed change of zoning language, as are other business people. It will hurt our businesses, as there is only 7 ½ feet from the back of the curb to our lot line. The streets are used all the time for loading and unloading trucks. I hope you understand our concerns and the city's for this change.

If you have any questions, please feel free to call me on my cell 450-4509 or at the office 477-9501.

Sincerely,
Rich Wiese





↕ 6th + "G" Sts. ↕



↑ 6th + "G" Sts. ↑



↑ 7th + "P" Sts. ↑